IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.5789 OF 2004
IN
CRIMINAL APPEAL NO.1146 OF 2002

Chandrakant Bhanudas Hande .. Applicant

Vs.

The State of Maharashtra & ors. .. Respondents

Mr. Ganesh Gole for applicant.

Ms.Usha Kejariwal, APP for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 24th January, 2005

P.C.

Heard Mr. Ganesh Gole, the learned counsel for the applicant and Ms.Usha Kejariwal, the learned APP.

2. This application is at the instance of the witness PW7 who has been permitted return of the Muddemal property, articles Nos.3 to 9, 11 to 25 and 27, 29 to 46 on his executing bond of Rs.3,00,000/- by the learned IInd Adhoc Assistant Sessions Judge, Solapur. The State has come up in appeal against the judgment and order of acquittal. Leave has been granted by this court and the appeal is pending.

3. Having considered the matter, we are of the view

that hearing of the appeal is not likely to be affected if Muddemal property being Articles Nos.3 to 9, 11 to 25 and 27 and 29 to 46 is ordered to be returned to PW7 Chandrakant Hande, applicant herein. However, certain conditions need to be imposed before the said Muddemal property is returned to PW7-Chandrakant Hande. We, accordingly, dispose of this application by the following order:-

i) The valuation of the subject Muddemal property Article Nos.3 to 9, 11 to 25 and 27 and 29 to 46 shall be got done from by the approved valuer by the Registrar (Judicial). The expenses thereof shall be borne by the applicant.

ii) The Registrar (Judicial) shall then call upon the applicant to execute a bond in the sum as per the valuation of the aforesaid Muddemal property for their return as and when called upon by this court.

iii) The applicant shall also furnish his undertaking that until the disposal of appeal and any further order that may be passed by this court, he shall not dispose of, pledge or make any alteration or changes in the

Muddemal property and make available the said property as and when required by the court.

iv) Upon compliance aforesaid, the subject Muddemal property being Articles Nos.3 to 9, 11 to 25 and 27 and 29 to 46 may be returned to the applicant (PW7-Chandrakant Hande).

4. Criminal application stands disposed of.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)